

## UNITED STATES DISTRICT COURT

for the

FILED IN OPEN COURT

ON

2/27/2019 *RL*Peter A. Moore, Jr., Clerk  
US District Court  
Eastern District of NC

United States of America

v.

Case No. 5:18-cr-461-130Sergiy Petrovich Usatyuk  
Defendant

## ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release including motor vehicle violations.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the probation office or supervising officer in writing before making / any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

as directed

Place

on

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date \_\_\_\_\_

- ( ) (7) The defendant must:

- ( ) (a) submit to supervision by and report for supervision to the \_\_\_\_\_, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

- ( ) (b) continue or actively seek employment.

- ( ) (c) continue or start an education program.

- ( ) (d) surrender any passport to: \_\_\_\_\_

- ( ) (e) not obtain a passport or other international travel document.

- ( ) (f) abide by the following restrictions on personal association, residence, or travel: \_\_\_\_\_

- ( ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

- ( ) (h) get medical or psychiatric treatment: \_\_\_\_\_

- ( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

- ( ) (j) maintain residence at a residential reentry center, and abide by the conditions of that facility.

- ( ) (k) not possess a firearm, destructive device, or other weapon.

- ( ) (l) not use alcohol ( ) at all ( ) excessively.

- ( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ( ) (n) submit to testing for a prohibited substance if required by the probation office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the probation office or supervising officer.

- ( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed:

- ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as approved by the probation office or supervising officer; or

- ( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the probation office or supervising officer; or

- ( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- ( ) (q) submit to the following monitoring and comply with all of the program requirements and instructions provided:

- ( ) The defendant must pay ( ) all of the cost of the program ( ) a portion of the location monitoring cost as follows:

( ) Radio Frequency (RF) monitoring

( ) Voice Recognition

( ) Global Positioning Satellite (GPS)

( ) Remote Alcohol Monitoring

- ( ) (r) report as soon as possible, to the probation office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- ( ) (s) submit to warrantless searches of person, residence, property or vehicle by the probation office or supervising officer.

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Raleigh, NC

City and State

**Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.
- ( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 02-27-2019



Judicial Officer's Signature

Terrence W. Boyle, Chief U.S. District Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PROBATION OFFICE U.S. ATTORNEY U.S. MARSHAL